

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

August 31, 2012

SRBA District Court
Special Master Brigitte Bilyeu
253 3rd Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Re: BWCC Stockwater SF5s and BWCC Digital Boundary

Dear Special Master Bilyeu:

Please find enclosed executed Standard Form 5s (SF5s) resolving 37-13111 and 37-13115 (stockwater rights), in the name of Big Wood Canal Company (BWCC).

Additionally, please find enclosed updated CDs and printed maps depicting BWCC's digital boundary for water right nos. 37-867, 37-870, 37-895, 37-13043, -13112, -13113, -13114, -13116, -20733, -21401, -21402, -21403, -21404, and -21405 (irrigation rights). These water rights were resolved via SF5s, filed with the Court on May 22, 2012. The enclosed CDs and maps are intended to replace the CDs and maps filed with the irrigation rights SF5s on May 22, 2012.

Lastly, after the SF5s for BWCC's irrigation rights were filed, and during status conferences with the Court on BWCC's stockwater rights, the parties and Department verbally agreed to amend the irrigation rights' "no federal land" remark to be consistent with the stockwater rights' "no federal land" remark. Rather than require the filing of amended SF5s for the irrigation rights, the Court agreed to make the necessary change in the Special Master Report and Recommendation. Therefore, the "no federal land" remark on BWCC's irrigation rights should read as follows (underline indicates additional text):

Place of use does not include federal public land unless authorized in writing by the managing federal agency.

If you have any questions, please do not hesitate to contact me.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'C. Bromley', with a long horizontal flourish extending to the right.

Chris M. Bromley
Deputy Attorney General, IDWR

Encls.

cc: Craig Hobdey
David Negri

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No.: 37-13115
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Big Wood Canal Company

Craig D. Hobdey 7-11-12
Craig D. Hobdey Date
Attorney for Big Wood Canal Company

OBJECTOR:

United States on behalf of the
Bureau of Land Management

David L. Negri 7/30/12
David L. Negri Date
Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

Doug Jones 8/31/12
Doug Jones Date
Technical Engineer 1

IDWR CONCURRENCE:

Christopher M. Bromley 8/31/12
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-13115

NAME AND ADDRESS:

BIG WOOD CANAL COMPANY
C/O LYNN HARMON
MANAGER
409 N APPLE ST
SHOSHONE ID 83352

SOURCE:

Source:

Tributary:

BIG WOOD RIVER

MALAD RIVER

QUANTITY:

20 000 CFS

0.000 AFY

PRIORITY DATE:

05/10/1909

POINT OF DIVERSION:

T02S R18E S30 SWSENE
Within BLAINE County

~~T02S R18E S30 SWSENE~~
~~Within LINCOLN County~~

T03S R18E S9 SENESE
Within LINCOLN County

~~T03S R18E S9 SENESE~~
~~Within LINCOLN County~~

T04S R18E S15 SWNWSE
Within LINCOLN County

T04S R19E S25 SENWSE Injection
Within LINCOLN County

T04S R19E S25 NESWSE Rediversion
Within LINCOLN County

T05S R14E S33 NWNESE
Within GOODING County

T05S R14E S35 NESENE Rediversion
Within GOODING County

T05S R15E S12 NESESW
Within LINCOLN County

T05S R16E S29 SWSSEW Rediversion
Within LINCOLN County

T05S R19E S5 SWNWSE Rediversion
Within LINCOLN County

T06S R14E S30 SENESW Rediversion
Within GOODING County

T06S R14E S30 NESESW Rediversion
Within GOODING County

PN
CH
JH
CJR

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

STOCKWATER

11/01 03/31

20.000 CFS

~~10/31 04/01~~

Stockwater use for shareholders of the Big Wood Canal Company during the non-irrigation season.

PLACE OF USE:

~~STOCKWATER within BLAINE County~~

Place of Use is within the area served by the Big Wood Canal Company as recorded in irrigation water rights 37-867, 37-870, 37-894B, 37-895, 37-13116 and 37-20733.

Place of use does not include federal public lands unless authorized in writing by the managing federal agency.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF SERVICE

I certify that on August 31, 2012, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

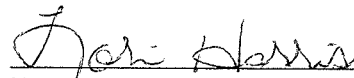
☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Craig D. Hobdey
Hobdey Law Office PLLC
P.O. Box 176
Gooding, ID 83330

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form